

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed May 29, 2008.

Claims 3-7, 9, 12, 18, and 20-23 were pending in the present application. This Amendment amends claim 3 and cancels claim 9 without prejudice, leaving pending the application claims 3-7, 12, 18, and 20-23. No new matter has been introduced by virtue of these amendments.

Allowable Subject Matter

Claims 12, 18, and 20-23 are allowed by the Examiner. Applicants appreciate the Examiner's indication of allowability.

Objection to Claims 3-7

Claim 3 is objected to because the recited features "for said highest write speed," "for said lowest write speed," and "for said middle write speed between said highest and lowest write speeds" are placed in parentheses. The Examiner asserts "it is unclear if the claim is further limited by these limitations because of their placement in parentheses." (Office Action: pg. 2). Claims 4-7 are objected to due to their dependence from claim 3 and intervening claims.

Claim 3 has been amended to remove the parentheses around "for said highest write speed," "for said lowest write speed," and "for said middle write speed between said highest and lowest write speeds." Accordingly, the objection to claim 3 (and the claims that depend therefrom) is believed to be overcome.

35 U.S.C. §102(b) Rejection of Claim 9

Claim 9 is rejected under 35 U.S.C. §102(b) as being anticipated by Wu (U.S. Patent No. 6,535,470, hereinafter "Wu").

Solely in order to expedite prosecution, claim 9 has been canceled without prejudice. Accordingly, the rejection of claim 9 is moot.

Appl. No. 10/698,578
Amdt. dated August 28, 2008
Reply to Office Action of May 29, 2008

PATENT

Amendments to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification and do not add new matter.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Andrew J. Lee/

Andrew J. Lee
Reg. No. 60,371

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
A2L:m4g
61417645 v1